

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson, III, Chief Administrative Law Judge

Case No. 2014-000847

Preservation Society of Charleston,
Historic Charleston Foundation, Historic
Ansonborough Neighborhood Association,
South Carolina Coastal Conservation
League, Charlestowne Neighborhood
Association, Charleston Chapter of the
Surfrider Foundation, and Charleston
Communities for Cruise Control,Appellants,

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JAN 21 2015

SC Court of Appeals

v.

South Carolina Department of Health and
Environmental Control and South Carolina
State Ports Authority,Respondents.

MOTION FOR EXTENSION OF TIME

Pursuant to Rules 208, 240, and 263(b), of the South Carolina Appellate Court Rules (SCACR), Respondent South Carolina Department of Health and Environmental Control (DHEC) moves the Court for an extension of time to file their Initial Brief and Designation of Matter to be included in the Record on Appeal. In support of this motion, Respondent states as follows:

1. Appellants Preservation Society of Charleston, Historic Charleston Foundation, Historic Ansonborough Neighborhood Association, South Carolina Coastal Conservation League, Charlestowne Neighborhood Association, Charleston Chapter of the Surfrider Foundation, and Charleston Communities for Cruise Control (collectively, Appellants) filed a notice of appeal from the Order of the Administrative Law Court on April 21, 2014.
2. By letter dated May 13, 2014, Appellants sought a 30-day extension of time to file their Initial Brief. This Court granted same on May 19, 2014, extending the deadline until June 20, 2014.
3. By motion dated June 14, 2014, Appellants sought a second, 30-day extension of time to file their Initial Brief. This Court granted same on June 23, 2014, extending the deadline until July 21, 2014.
4. On July 3, 2014 the Ports Authority filed a motion to dismiss certain parts of Appellants' appeal as not immediately appealable.
5. On July 14, 2014, Appellants filed a motion for leave to file an Initial Brief exceeding the page limitation, requesting a total of seventy-five (75) pages.
6. By letter dated July 17, 2014, Counsel for Respondent Ports Authority responded to Appellants' request for leave to exceed the page limitation, explaining that while the Ports Authority believed additional pages to be unnecessary, should the Court grant Appellants'

motion in its discretion, the Ports Authority respectfully requested an equal page expansion in the Initial Brief of Respondent.

7. By Order dated September 11, 2014, this Court denied the Ports Authority's motion to dismiss and granted Appellants' motion to exceed the page limitation in their Initial Brief. By cover letter accompanying the Order, the Court further extended Appellants' time to file their Initial Brief and Designation of Matter on Appeal to thirty (30) days from the date of the Order.
8. Appellants served their Initial Brief and Designation of Matter on Appeal on Tuesday, October 14, 2014.
9. On October 17, 2014, Appellants filed a motion to amend their Initial Brief to include an omitted Statement of Issues on Appeal and Statement of the Case.
10. By Order dated October 22, 2014, this Court granted Appellants' motion to amend and clarified that Respondents' respective Initial Briefs and Designations of Matter on Appeal are due to be filed Friday, November 21, 2014.
11. On October 31, 2014, Respondents filed a joint Motion for Extension of Time and For Leave to File an Initial Brief Exceeding the Page Limitations.
12. On November 6, 2014 Respondents filed a joint Motion to Strike from Appellants' Initial Brief reference to the letter and all matters which

were not before the Administrative Law Court (ALC) and therefore improperly before this Court on appeal.

13. On November 14, 2014, Appellants filed a Return to the Motion to Strike. Appellants double-downed on their impermissible approach, expanding the single reference in the Initial Brief to a substantive argument in their Return, centered around the misconstruction of information that was not before the ALC.
14. On November 20, 2014, this Court granted Respondents' joint Motion to Strike, ordered the refiling of an amended Initial Brief from the Appellants within ten days, and granted the Motion for Leave to Exceed the Page Limitations for the Respondents' Initial Brief. Further, this Court ordered that the Respondents' Initial Briefs be filed within 30 days.
15. On December 1, 2014, the Appellants filed a Second Amended Initial Brief.
16. On December 19, 2014, Respondents filed a joint Motion for Extension of Time to file their respective Initial Briefs, which was granted by this Court on December 22, 2014
17. Counsel for Respondent DHEC respectfully request an extension of time of thirty (30) days to file the Initial Respondents Brief and Designation of Matter on Appeal due to Respondent Counsel's workload and service obligations as a U.S. Army Reserve Officer.

18. If the Court grants this request, Respondent DHEC will have until Friday, February 20, 2015 to file the Initial Respondents Brief and Designation of Matter on Appeal.

Counsel for Respondent DHEC therefore respectfully requests that the Court grant this motion and extend the time for Respondent DHEC to file their Initial Brief and Designation of Matter on Appeal.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

Bradley D. Churdar by Cheryl Hullah

Bradley D. Churdar, Chief Counsel
SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL
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*Attorney for Respondent
South Carolina Department of Health
and Environmental Control*

January 21, 2015
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

Case No. 2014-000847

Preservation Society of Charleston,
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vs.

South Carolina Department of Health and
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State Ports Authority,Respondents.

CERTIFICATE OF SERVICE

I, Donner K. Hellerman, with the South Carolina Department of Health and
Environmental Control, do hereby certify that I have on this **21st day of January, 2015**,
served a copy of **Respondent DHEC's Motion for Extension of Time** upon all parties
and counsel of record in the above-captioned case, by placing copies of same in the
United States Mail, first class postage prepaid, addressed to:


Amy Armstrong, Esquire
Jessie White, Esquire
SC Environmental Law Project
Post Office Box 1380
Pawley's Island, SC 29585

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Donna K. Hellerman

January 21, 2015



W. Marshall Taylor Jr., Acting Director

Promoting and protecting the health of the public and the environment

January 21, 2015

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Preservation Society of Charleston, et. al. v. S. C. State Ports Authority &
SCDHEC;
Appellate Case No. 2014-000847

Dear Ms. Kitchings:

Please find enclosed the original and seven (7) copies of the Respondent DHEC's Motion for Extension of Time in the above referenced case. I would appreciate your returning a clocked copy to the courier.

By copy of this letter, I am serving all parties of the same.

Very truly yours,

Donna K. Hellerman
Legal Assistant

Enclosure
BDC/mdc

cc: Amy Armstrong, Esquire
Jessie White, Esquire
Jefferson Leath, Esquire
Randolph Lowell, Esquire
Tracey C. Green, Esquire
Chad N. Johnston, Esquire
Blanding Holman, Esquire
Phillip Lawrence, Esquire

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